

From: Jose Castejon-Amenedo
To: Microsoft ATR
Date: 12/27/01 6:30pm
Subject: US vs. Microsoft

Dear Madam/Sir:

The settlement proposed to bring the US vs. Microsoft legal proceedings falls short from accomplishing any useful social goals in at least two respects:

1) Microsoft has been found guilty of illegally abusing its monopoly position on a regular basis for a number of years now. That is, this company has shown a consistent and olympic disrespect for the law for years, and for that it deserves just punishment.

The proposed settlement does nothing much to administer any significant punishment to Microsoft for its past misconduct. The message that this sends to individual citizens is that the consequences associated with breaking the law can be rendered irrelevant when a sufficiently large amount of money and/or influence are available. By allowing Microsoft the privilege to come out unscathed, the DOJ is actually mocking the foundations of the law.

2) The proposed remedies do nothing much to prevent Microsoft from carrying on along its past lines of conduct. Worse, in instances they actually provide Microsoft with a leverage to expand its monopoly to other areas where it has not achieved hegemony yet. An expanded monopoly can only result in further limitations of freedoms of choice, with the consequent social damage.

In order to provide effective means to curb Microsoft's monopolist ambitions, and to promote competition, the remedies should include the following:

a) Force Microsoft to publish detailed descriptions of its proprietary protocols, file formats, and application programmer interfaces (APIs). Microsoft ought to be also forced to publish the details of any modifications that it sees fit to carry out on those items before it releases an actual software implementation thereof. Finally, Microsoft ought to be forced to adhere to such published descriptions.

Notice that forcing Microsoft to make public the source code of its operating systems is neither necessary nor convenient. Microsoft should be allowed to keep such implementation details secret, as long as it complies with the specifications above.

b) Microsoft ought to be prevented from buying out any

competing companies for a number of years. It should always be free to innovate, but by its own means and resources, not by extinguishing potential competition.

c) Microsoft ought to be prevented from striking secret exclusive deals with any other company. In particular, any deals that Microsoft has with vendors, such that the latter are prevented from preinstalling competing operating systems, ought to be declared illegal.

Sincerely,

JCA

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